

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Jason A. Cambron,

Plaintiff,

vs.

Sergeant Harris, First Name Currently  
Unknown; and Officer Morant, First  
Name Currently Unknown,

Defendants.

Civil Action No. 3:11-326-RMG

**ORDER**

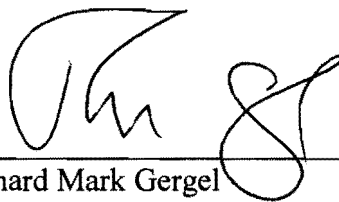
This *pro se* action arising under 42 U.S.C. § 1983 for alleged excessive force by correctional officers employed at the Turbeville Correctional Institution of the South Carolina Department of Corrections ("SCDC") comes before the Court on the Report and Recommendation ("R & R") of the Magistrate Judge recommending that the action be dismissed for Plaintiff's failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a). (Dkt. No. 39). Plaintiff was advised that he had 14 days to file written objections to the R & R and a failure to timely file objections could result in the waiver of his right to appeal. (Dkt. No. 39 at 7). Plaintiff filed no written objections.

According to the unchallenged R & R, Plaintiff initiated this action in United States District Court prior to the completion of Step 2 in the duly adopted grievance policy of the SCDC. (Dkt. No. 39 at 5). It is well settled that a prisoner may not initiate a civil action in United States District Court under § 1983 or any other federal law until "administrative remedies

as are available are exhausted.” 42 U.S.C. § 1997e(a). This provision applies to “all inmate suits about prison life”, including, as here, claims of alleged excessive force. *Porter v. Nussle*, 534 U.S. 516, 532 (2002). According to the uncontested record before this Court, Plaintiff has failed to exhaust his administrative remedies.

The Court, having reviewed the R & R, the record in this matter and the applicable case law, hereby **ADOPTS** the R & R as the order of this Court and **DISMISSES** this action *without* prejudice for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a).

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', is written over a horizontal line.

Richard Mark Gergel  
United States District Judge

May 4, 2012  
Charleston, South Carolina